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15 GEN-PROBE INCORPORATED

16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA

18 GEN-PROBE INCORPORATED,  
19  
20 Plaintiff,  
21  
22 v.  
23  
24 VYSIS, INC.,  
25  
26 Defendant.

No. 99CV2668 H (AJB)  
THE HONORABLE MARILYN L. HUFF

**REPLY DECLARATION OF R. WILLIAM BOWEN,  
JR. IN SUPPORT OF GEN-PROBE'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT OF NON-  
INFRINGEMENT UNDER THE DOCTRINE OF  
EQUIVALENTS**

Date: November 19, 2001  
Time: 10:30 a.m.  
Place: Courtroom 1

27 I, R. William Bowen, Jr., declare as follows:


28 1. I am a member of the State Bar of California and admitted to practice before this  
Court. I am one of the counsel of record in this action for plaintiff Gen-Probe Incorporated.

2. I attended the deposition of Defendant Vysis, Inc.'s (Vysis) expert, David R.  
Persing, Ph.D., at Kirkland, Washington on November 12, 2001. I asked the questions and heard  
the responses given by Dr. Persing at the deposition. The deposition of Dr. Persing was  
stenographically recorded and transcribed. At the conclusion of Dr. Persing's deposition, I  
obtained a so-called "rough" copy of the transcript. The excerpts of Dr. Persing's deposition set

1 forth in Exhibit 1 to the accompanying Reply Notice of Lodgment of Exhibits are true and correct  
2 copies of the not as yet certified deposition transcript and accurately state the questions that I asked  
3 and the answers given by Dr. Persing at his deposition.

4 I hereby declare under penalty of perjury that all statements made herein of my own  
5 knowledge are true and that all statements made on information and belief are believed to be true.

6 Executed at San Diego, California on November 13, 2001.

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9 R. William Bowen, Jr.

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